

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: **Paul J Cavanaugh
Joann M Cavanaugh**

Debtor(s)

Case No.: 16-15584
Judge: MBK
Chapter: 13

CHAPTER 13 PLAN AND MOTIONS

☐ Original
☐ Motions Included

☒ Modified/Notice Required
☐ Modified/No Notice Required

☒ Discharge Sought
☐ No Discharge Sought

Date: 10-7-2016

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor has paid \$1,200.00 into the Plan and the Debtor shall pay \$200.00 to the Chapter 13 Trustee, starting on November 1, 2016 for approximately 52 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:



Future Earnings



Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☒ Refinance of real property PNC BANK
Description: 125 Dey Grove Road, Monroe, NJ 08831
Proposed date for completion: within 14 months

☐ Loan modification with respect to mortgage encumbering property
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$ 2200 to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to PNC (creditor). and \$500.00 to PNC 2nd Mortgage.

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

| Creditor | Type of Priority | Amount to be Paid |
|--------------------|------------------|-------------------|
| ROBERT C. NISENSEN | ATTORNEYS FEES | 3,000 |

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

| Creditor | Collateral or Type of Debt | Arrearage | Interest Rate on Arrearage | Amount to be Paid to Creditor (In Plan) | Regular Monthly Payment (Outside Plan) |
|----------|----------------------------|-----------|----------------------------|---|--|
| -NONE- | | | | | |

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Superior Liens | Value of Creditor Interest in Collateral | Annual Interest Rate | Total Amount to Be Paid |
|----------|------------|----------------|------------------------|----------------|--|----------------------|-------------------------|
| | | | | | | | |

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

| Creditor | Collateral to be Surrendered | Value of Surrendered Collateral | Remaining Unsecured Debt |
|----------|------------------------------|---------------------------------|--------------------------|
| -NONE- | | | |

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor

PNC 2ND MORTGAGE

e. Secured Claims to be paid in full through the Plan

| Creditor | Collateral | Total Amount to be Paid through the Plan |
|----------|------------|--|
| | | |

Part 5: Unsecured Claims

a. Not separately classified Allowed non-priority unsecured claims shall be paid:

____ Not less than \$ ____ to be distributed *pro rata*

____ Not less than ____ percent

 x *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

| Creditor | Basis for Separate Classification | Treatment | Amount to be Paid |
|----------|-----------------------------------|-----------|-------------------|
| -NONE- | | | |

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

| Creditor | Nature of Contract or Lease | Treatment by Debtor |
|--------------|-----------------------------|---------------------|
| GM FINANCIAL | LEASE 2016 CHEVY CRUZ | ASSUMED |

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

| Creditor | Nature of Collateral | Type of Lien | Amount of Lien | Value of Collateral | Amount of Claimed Exemption | Sum of All Other Liens Against the Property | Amount of Lien to be Avoided |
|----------|----------------------|--------------|----------------|---------------------|-----------------------------|---|------------------------------|
| -NONE- | | | | | | | |

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Amount of Lien to be Reclassified |
|----------|------------|-----------------------------------|
| -NONE- | | |

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Amount to be Deemed Secured | Amount to be Reclassified as Unsecured |
|----------|------------|-----------------------------|--|
| | | | |

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**

6) General Unsecured Claims

d. Post-petition claims

The Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

| | |
|--|--|
| Explain below why the Plan is being modified. | Explain below how the Plan is being modified |
| Debtor denied loss mitigation | Debtor proposed to refinance within 14 months |

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date October 7, 2016 /s/ Robert C Nisenson
Robert C Nisenson
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: October 7, 2016 /s/ Paul J Cavanaugh
Paul J Cavanaugh
Debtor

Date: January 15, 2016 /s/ Joann M Cavanaugh
Joann M Cavanaugh
Joint Debtor

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 Paul J. Cavanaugh
 JoAnn M. Cavanaugh
 Debtors

Case No. 16-15584-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

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 Total Noticed: 24

Date Rcvd: Oct 12, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 14, 2016.

| | |
|-----------|--|
| db/jdb | +Paul J. Cavanaugh, JoAnn M. Cavanaugh, 125 Dey Grove Rd, Monroe Twsp, NJ 08831-5803 |
| lm | PNC Mortgage, E. Todd Chamberlain, CEO, PO Box 1820, Dayton, OH 45401-1820 |
| 516133606 | +AGAR Leasing LTD d/b/a GM Financial Leasing, PO BOX 183692, Arlington, TX 76096-3692 |
| 516078222 | +Barclays Bank Delaware, 125 S West St, Wilmington, DE 19801-5014 |
| 516078224 | +Bby/cbna, 50 Northwest Point Road, Elk Grove Village, IL 60007-1032 |
| 516078225 | +Capl/lt, Po Box 30253, Salt Lake City, UT 84130-0253 |
| 516165095 | Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083 |
| 516078226 | +Capital One Bank Usa N, Pob 30281, Salt Lake City, UT 84130-0281 |
| 516334418 | +Federal Home Loan Mortgage Corporation, c/o PNC Mortgage, a division of PNC Bank, Attn: Bankruptcy, 3232 Newmark Drive, Miamisburg, OH 45342-5421 |
| 516078228 | Furniturebar, Csc1 Dispute Team, Des Moines, IA 50306 |
| 516078229 | +GM Financial, P.O Box 181145, Arlington, TX 76096-1145 |
| 516190592 | +MIDLAND FUNDING LLC, PO Box 2011, Warren, MI 48090-2011 |
| 516078231 | +PNC Bank, 1730 Oak Tree RD, Edison, NJ 08820-2811 |
| 516309151 | +PNC Bank N.A., PO Box 94982, Cleveland, Oh 44101-4982 |
| 516078232 | +PNC Mortgage, C/O KML Law Group, P.C., 216 Haddon Ave Ste 406, Westmont, NJ 08108-2812 |
| 516286546 | Wells Fargo Bank NA, PO Box 10438, Des Moines IA 50306-0438 |

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

| | |
|-----------|--|
| | E-mail/Text: usanj.njbankr@usdoj.gov Oct 12 2016 23:14:24 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534 |
| smg | +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Oct 12 2016 23:14:21 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235 |
| 516307387 | +E-mail/Text: bnc@bass-associates.com Oct 12 2016 23:13:41 Cavalry SPV I, LLC, c/o Bass & Associates, P.C., 3936 E. Ft. Lowell Rd., Suite 200, Tucson, AZ 85712-1083 |
| 516078230 | +E-mail/Text: bnckohlsnotices@becket-lee.com Oct 12 2016 23:13:50 Kohls/capone, N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096 |
| 516334358 | E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 12 2016 23:06:15 Portfolio Recovery Associates, LLC, c/o Barclaycard, POB 41067, Norfolk VA 23541 |
| 516334444 | E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 12 2016 23:06:14 Portfolio Recovery Associates, LLC, c/o Best Buy, POB 41067, Norfolk VA 23541 |
| 516078233 | +E-mail/PDF: gecsed@recoverycorp.com Oct 12 2016 23:06:09 Synch/amer Eagle, Po Box 965005, Orlando, FL 32896-5005 |
| 516078234 | +E-mail/PDF: gecsed@recoverycorp.com Oct 12 2016 23:06:09 Synch/jcp, Po Box 965007, Orlando, FL 32896-5007 |

TOTAL: 8

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

| | |
|------------|---|
| 516078223* | +Barclays Bank Delaware, 125 S West St, Wilmington, DE 19801-5014 |
| 516078227* | +Capital One Bank Usa N, Pob 30281, Salt Lake City, UT 84130-0281 |

TOTALS: 0, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 14, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 10, 2016 at the address(es) listed below:

Albert Russo docs@russotrustee.com
 Denise E. Carlson on behalf of Creditor Federal Home Loan Mortgage Corporation
 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
 Robert C. Nisenson on behalf of Debtor Paul J. Cavanaugh rnisen@aol.com,
 nisensonlaw@aol.com; G2729@notify.cincompass.com; nisensonlaw@gmail.com

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 24

Date Rcvd: Oct 12, 2016

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

Robert C. Nisenson on behalf of Joint Debtor JoAnn M. Cavanaugh rnisenson@aol.com,
nisensonlaw@aol.com;G2729@notify.cincompass.com;nisensonlaw@gmail.com

TOTAL: 4